



6105 Main Ave., Ste. 4 | Orangevale CA 95662
Office 916.365.4925 | Fax 916.374.7998
License # 891224 - A, B, C-8, D64, HAZ
DIR # 1000008046 | Caltrans DBE # 39528
General Engineering Contractors

June 29, 2016

Department of Transportation
Division of Engineering Services
Office Engineer
1727 30th Street, MS-43
P.O. Box 168041
Sacramento, CA 95816-8041

Attention: Ms. Jill Y. Sewell, Office Chief

Re: Caltrans Contract No. 04-4J6304
Bid Protest 2 – Northstate Earth and Water Inc.

Dear Ms. Sewell:

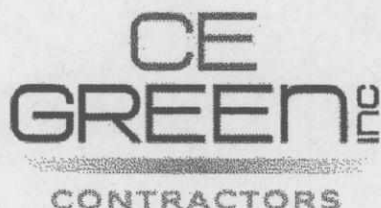
I am in receipt of your letter dated June 28th, 2016 and my reply follows.

1 – In your letter you state that Roll 'N Rock is performing the excavation for the temporary concrete washout but the amount is less than the required listing amount.

2 –Public Contract Code 4104 states:

“Any officer, department, board, or commission taking bids for the construction of any public work or improvement shall provide in the specifications prepared for the work or improvement or in the general conditions under which bids will be received for the doing of the work incident to the public work or improvement that any person making a bid or offer to perform the work, shall, in his or her bid or offer, set forth:

(a) (1) The name, the location of the place of business, and the California contractor license number of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the prime contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid...”



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3 – Northstate's total bid amount is \$ 364,905. One half of one percent of the bid amount is \$1,824.53. Therefore, a bid in excess of \$ 1,824.53 must be listed on its Subcontractor's Bid Sheet.

4 – Northstate listed Roll 'N Rock for 5% of Item 5. Item 5 in Northstate's bid is \$319,146. 5% of this amount is \$15,957.30.

5 – Caltrans states that the excavation for the temporary washout on Item 4 was less than the required listing amount. The required listing amount is an amount in excess of \$ 1,824.53. The fact that, Northstate did not list Roll 'N Rock as a subcontractor for Item 4 indicates that the value of work to be performed is \$ 1,824.53 ...or less.

6 – Adding the 5% of Bid Item 5 - \$15,957.30 and the maximum that Roll 'N Rock can perform on Bid Item 4 without being listed - \$ 1824.53 totals \$ 17,781.83.

7 - 5% of Northstate's total bid amount of \$ 364,905 is \$18,245.25. That is the required DVBE participation amount.

Therefore, CE Green Inc hereby requests that the bid submitted by Northstate Earth and Water Inc. be deemed as unresponsive due to Northstate's failure to meet its DVBE required commitment.

Please contact me if you have any questions, concerns or comments.

Yours truly,

A handwritten signature in cursive script that reads "Carole E. Green".

Carole E. Green
President

Attachments as listed:

Northstate Earth and Water Inc. – Post Bid Files – Subcontractor Listing
Northstate Earth and Water Inc. – Certified DVBE Summary

BID BOOK - Past BID FILES

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 04-4J6304 Project ID: 0415000375

Bidder Name: Northstate Earth and Water Inc.

Bidder ID: VC0000006223

DES-OE-0102.2C (REV 03/2015)

Bidding Firm: Northstate Earth and Water Inc.

List this sub? Yes

- 1) Business Name M A Rohrer Concrete Construction
Location City Vallejo State CA
California Contractor License Number 729511
Public Works Contractor Registration Number 1000037413
Portion of Work Subcontracted:

Item #	Description
5 25	Renforcing and concrete

List this sub? Yes

- 2) Business Name Roll 'N Rock Costruction Inc.
Location City Mt Shasta State CA
California Contractor License Number 971838
Public Works Contractor Registration Number 1000013621
Portion of Work Subcontracted:

Item #	Description
5 5	Excavation, water truck, building

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 04-436304 Project ID: 0415009375
Bidder Name: Northstate Earth And Water Inc.
CERTIFIED DVBE SUMMARY
DES-05-152.5 (REV 3/2008)

Bidder ID: VC0100006223

In bid book

DISTRICT-COUNTY-ROUTE: 04-Sol-20-17.2
TOTAL BID: 364,903.00
BID OPENING DATE: 05-12-16
DVBE PRIME CONTRACTOR CERTIFICATION:

Second Bidder

Submit to:

MSC 42
Office Engineer
Department of Transportation
1727 30th Street
Sacramento, CA 95816-7005

Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractors List (Pub Cons Code 4100 at sec.) submitted with the bid. Identify second and lower tier subcontractors on this form.

If 100% of an item is not performed or supplied by the DVBEs, describe the exact part, including the planned location of work to be performed, or item to be performed or supplied by DVBE.

Total Combined Participation \$ 12,830.00
\$ 1.00

Contact Person: Bonnie Helle
(Type or Print)

(Area Code) Telephone Number: 530-925-1406

Signature of Bidder

Date

DYBE

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 04-426304 Project ID: 0415000315
Bidder Name: Northwest Earth and Water Inc.
Bidder ID: 400000000223
DES-04-102.0 (REV 3/2008)

Bid Item Number:
4 and 5
Description of work to be subcontracted to DYBE or Materials to be supplied by
DYBE:
Temp concrete barriers, excavation and building
FOR CATERPILLARS USE ONLY
DYBE Name: Holt N Rock Construction Inc.
DYBE Telephone Number: 930-9211408
DYBE Certification Number: 1750745
Amount: 18,830.00

Bid Item Number:
Description of work to be subcontracted to DYBE or Materials to be supplied by
DYBE:
FOR CATERPILLARS USE ONLY

DYBE Name:
DYBE Telephone Number:
DYBE Certification Number:
Amount:
Bid Item Number:
Description of work to be subcontracted to DYBE or Materials to be supplied by
DYBE:
FOR CATERPILLARS USE ONLY

DYBE Name:
DYBE Telephone Number:
DYBE Certification Number:
Amount:
Bid Item Number:
Description of work to be subcontracted to DYBE or Materials to be supplied by
DYBE:
FOR CATERPILLARS USE ONLY

DYBE Name:
DYBE Telephone Number:
DYBE Certification Number:
Amount:
Bid Item Number:
Description of work to be subcontracted to DYBE or Materials to be supplied by
DYBE:
FOR CATERPILLARS USE ONLY

CE GREEN

CONTRACTORS

FAX COVER SHEET

TO	
COMPANY	
FAXNUMBER	19162276282
FROM	Carole Green
DATE	2016-06-29 18:17:21 GMT
RE	04-4J6304 - Northstate Bid Protest 2

COVER MESSAGE

04-4J6304 - Northstate Earth and Water Inc - Bid Protest 2

Carole Green, President -

CA License # 891224 (A, B, C-8, D64 Erosion Control, HAZ)

EDWOSB/UDBE/DBE/SBE/CPUC

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